

**UNITED STATES DISTRICT COURT**  
for the

District of South Carolina

United States of America	)	Case No: <u>4:08-cr-1079-002 (TLW)</u>
	)	USM No: <u>16907-171</u>
-versus-	)	<u>Pro se</u>
<b>Richard Lane Byrd</b>	)	Defendant's Attorney
Date of Previous Judgment: June 30, 2009 <i>(Use Date of Last Amended Judgment if Applicable)</i>	)	

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of one hundred twenty-five (125) months, consisting of one hundred twenty-five months as to Count 1 and one hundred twenty months as to Count 2, with such terms to run concurrently, for a total aggregate sentence of one hundred twenty-five months **is reduced to** one hundred twenty (120) months. This term of imprisonment consists of one hundred twenty months as to Count 1 and one hundred twenty months as to Count 2, with all such terms to run concurrently, for a total aggregate sentence of one hundred twenty months.

Except as provided above, all provisions of the original judgment filed June 30, 2009 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: May 16, 2013

s/ Terry L. Wooten  
*Judge's signature*

Effective Date:  
*(if different from order date)*

Terry L. Wooten, United States District Judge  
*Printed name and title*

**This second page contains information that should not be filed in court unless under seal.**

*(Not for Public Disclosure)*

DEFENDANT: **Richard Lane Byrd**

CASE NUMBER: 4:08-cr-1079-002 (TLW)

DISTRICT: South Carolina

**I. COURT DETERMINATION OF GUIDELINE RANGE** (*Prior to Any Departures*)

Previous Offense Level:	30	Amended Offense Level:	26
Criminal History Category:	III	Criminal History Category:	III
Previous Guideline Range:	121-151 months	Amended Guideline Range:	120 months (per statute)

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure and/or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range
- Other (*explain*):

**III. ADDITIONAL COMMENTS**